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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,414	11/06/2003	Phuong V. Luu	2376 (GP-01-24)	9788
40256	7590	05/02/2006	EXAMINER	
FERRELLS, PLLC			HUG, ERIC J	
P. O. BOX 312			ART UNIT	
CLIFTON, VA 20124-1706			PAPER NUMBER	
			1731	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/702,414

Applicant(s)

LUU ET AL.

Examiner

Eric Hug

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krzysik et al (US 6,287,581).

Krzysik discloses an absorbent body facing material wherein the outer surface of the material has solidified deposits of a hydrophobic composition comprising natural fats or oils, sterols and sterol derivatives, humectant, water-in-oil emulsifying surfactant, emollient, and from about 5 to about 95 weight percent wax. The composition has a melting point ranging from about 30-100 degrees C. The body facing material may be a cellulosic material (column 14, lines 13-26). The method of treating the body facing material with the composition comprises heating the composition to a temperature above the melting point of the composition, causing the composition to melt, uniformly applying the melted composition to the outer surface of the body facing material, and resolidifying the melted composition. The method provides efficient placement of the composition substantially at the surface of the body facing material of the absorbent articles. The wax of the composition may be selected from the group consisting of:

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carnuba, cerasin, cetyl esters, microcrystalline wax, montan wax, ozokerite, synthetic wax, and mixtures thereof (column 5, lines 12-15).

Regarding the claims, Krzysik discloses the claimed dispersion and components to provide a hydrophobic surface on a underlying cellulosic substrate, and also discloses the same method of applying the dispersion including the step of heating above the melting temperature of the dispersion. Krzysik does not disclose delay times for moisture penetration or contact angles for water. However, these are deemed to be merely properties of the resulting product itself which have not been recognized by Krzysik. Applicant has claimed the process differently only in terms of a property or characteristic of the final product, such process being the same as that of Krzysik, but the property or characteristic is not explicitly disclosed by Krzysik. The claims are therefore unpatentable.

Claims 1-8 and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichhorn et al (EP 1 029 977).

Eichhorn discloses treating absorbent paper products with a composition comprising 30-90% by weight of an oil, 1-40% of a wax, 1-30% of an emulsifying agent, and 5-35% water. The melting point of the composition is just above 30 degrees C. The composition is applied to the paper, melted, and then subsequently cooled to solidify. Some of the composition will penetrate the paper and some will remain on the surface. Suitable waxes are given in paragraph [0018]. Suitable absorbent papers are given in paragraph [0025], and include tissue paper and similar papers of one or more plies. The composition may be applied by spraying or other means of distributing it on the surface (paragraph [0032]). The composition may be applied to

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one or both sides of a web, and in the case of multi-ply webs be applied to one or both sides of either ply or both plies before combining or be applied to the combined structure (paragraph [0034]). The composition resides mostly on the surface of the web and without saturating the web (paragraph [0033]).

Eichhorn discloses the claimed dispersion and components to provide a hydrophobic surface on a underlying cellulosic substrate, and also discloses the same method of applying the dispersion including the step of heating above the melting temperature of the dispersion.

Eichhorn does not disclose delay times for moisture penetration or contact angles for water.

However, these are deemed to be merely properties of the resulting product itself which have not been recognized by Eichhorn. Applicant has claimed the process differently only in terms of a property or characteristic of the final product, where otherwise the process is the same as that of Eichhorn, but the property or characteristic is not explicitly disclosed by Eichhorn. The claims are therefore unpatentable.

All other claimed features would be obvious to one skilled in the art regarding the manufacture of absorbent tissue products. The repulpable web of claim 7 and the dispersible web of claim 8, would be expected for tissue products of Eichhorn wherein the application of the composition does not adversely affect the wet or dry strength properties of the final product (paragraph [0036]). Glue-bonding of plies is an obvious process, one which Applicant has recognized as being typical in the art. The napkin of claim 17 is a multi-ply tissue product.

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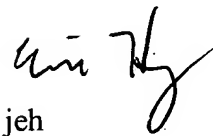
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baumoller et al (US 6,860,967) discloses a tissue paper penetrated with a lotion composition comprising a water/oil and at least one wax.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


jeh